

**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
IN AND FOR THE COUNTY OF MARICOPA**

IN THE MATTER OF PROHIBITING	)	
<u>KENNETH W. REED</u> FROM FILING	)	ADMINISTRATIVE ORDER
ANY LAWSUIT IN MARICOPA COUNTY	)	No. 2006-090
WITHOUT OBTAINING PRIOR	)	
PERMISSION FROM THE COURT	)	
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This matter was referred to me by the Honorable Margaret Downie, Judge of the Superior Court, after recent receipt of six lower court appeals. Of these, the plaintiff has named the same defendant and appealed matters related to the inmate grievance system.

Upon receipt of this referral, the court reviewed further case filings in which plaintiff is or has been involved.

Upon full review of the record, the court finds that the plaintiff has filed a total of 19 civil court cases, all as plaintiff, since about 1995. Further, defendants in these matters have included the Maricopa County Public Defender's Office, Maricopa County Sheriff and individual sheriff's officers, the State of Arizona, Governor Janet Napolitano, Arizona Department of Corrections, and plaintiff's private defense attorney for legal malpractice, and numerous individual officers of the Department of Corrections. A review of the case dispositions indicates that all but one of the cases ended in dismissal or other disposition not favorable to the plaintiff. Actions typically ended in a dismissal for failure to state a claim upon which relief can be granted. Six matters are pending resolution.

In determining whether the court should issue orders to curtail wasteful litigation and motion practice and in reviewing the plaintiff's request for a deferral of fees as well as the plaintiff's prior litigation history, the court relies on its inherent authority to screen cases to insure the orderly administration of justice. A court's inherent authority "may be defined as such powers as are necessary to the ordinary and efficient exercise of jurisdiction." *State v. Superior Court*, 39 Ariz. 242, 247-48, 5 P.2<sup>nd</sup> 192, 194 (1931).

As the court stated in *Acker v. CSO Chevira*, 188 Ariz. 252, 934 P.2d 816 (1997), a court's inherent authority is largely unwritten; appellate affirmation of an exercise of that authority ordinarily grounded on trial court findings and conclusions which explain its actions. In *Jones v. Warden of Stateville Correctional Center*, 918 F.Supp. 1142, 1153 and 1156 (N.D.Ill.1995), the federal court held that the inmate's access to the courts could be severely curtailed

because he had proven himself to be a “recreational litigant” who “repeatedly and flagrantly abused the judicial process by inundating the courts with frivolous and repetitive lawsuits.”

Given the plaintiff’s propensity to file lawsuits with no discernable outcome, and given the plainly frivolous nature of the complaints and the conduct of plaintiff in pursuing litigation, the court does find the plaintiff to be a vexatious litigant.

In doing so, the court must tailor its Order only so much as needed to curtail plaintiff’s inappropriate conduct. Based on the court’s review of the record, the court believes that the only order that will adequately address plaintiff’s litigiousness is an Order prohibiting plaintiff from filing any lawsuit in Maricopa County without obtaining permission from the Presiding Judge of the County.

Any motion for leave to file shall be captioned, “Application Pursuant to Court Order Seeking Leave to File.” Plaintiff must either cite this Order in his application, or attach as an exhibit a copy of this Order. In seeking leave to file, plaintiff is required to certify under penalty of perjury that the claim or claims he wishes to present are new claims never before raised and disposed of by any other court, within or outside Maricopa County. He would also need to certify that the claims are neither frivolous nor made in bad faith.

This Order does not prohibit plaintiff from responding to any litigation in which he is a named defendant.

In accordance with the foregoing,

1. The Clerk of Court may receive and file documents from Mr. Reed relating to any cause numbers pending as of the date of this order. Prior approval of the Presiding Judge is not required for such filings. Mr. Reed is advised, however, that if he files vexatious, frivolous, scandalous, impertinent, or otherwise inappropriate matters, the court will reinstate the pre-approval requirement for all filings.
2. Mr. Reed may not file, and the Clerk of Court shall not accept, any new causes of action after the date of this order without leave of the Presiding Judge. If Mr. Reed wishes to file a new cause of action, he shall submit the proposed filing to the Presiding Judge, along with a copy of this order and a proposed form of order for the court’s signature. If approval for filing the new action is granted, the Clerk of Court may accept subsequent filings in that cause number from Mr. Reed.

IT IS FURTHER ORDERED that Mr. Reed may petition this court for a hearing on this Order, no later than August 17, 2006, and may present information at that hearing to dispute the findings herein.

Dated this 21<sup>st</sup> day of July, 2006.

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Barbara Rodriguez Mundell  
Presiding Judge

Original: Clerk of the Superior Court

Copies: Michael K. Jeanes, Clerk of Court  
Hon. Margaret Downie, Associate Presiding Judge  
Hon. Anna Baca, Civil Presiding Judge  
Hon. Norman Davis, Family Presiding Judge  
Hon. James Keppel, Criminal Presiding Judge  
Hon. Karen O'Connor, Probate/Mental Health Presiding Judge  
Hon. Eileen Willett, Juvenile Presiding Judge  
Hon. Eddward Ballinger, Northeast Regional Presiding Judge  
Hon. Colleen McNally, Northwest Regional Presiding Judge  
Hon. Emmet Ronan, Southeast Regional Presiding Judge  
Hon. John Ore, Presiding Justice of the Peace  
Marcus Reinkensmeyer, Judicial Branch Administrator  
Karen Westover, Deputy Court Administrator  
Mitch Michkowski, Civil Court Administrator  
Kenneth W. Reed